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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 MAGDALENO GALLEGOS, )  
9 Petitioner, ) 3:09-cv-00459-RCJ-VPC  
10 vs. )  
11 STATE OF NEVADA, *et al.*, )  
12 Respondents. )  
/

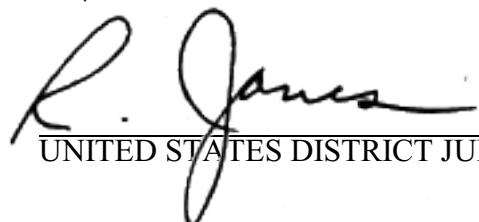
14 This closed case is a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.  
15 On September 11, 2012, this court entered an order denying the habeas petition and denying a  
16 certificate of appealability. (ECF No. 32.) Judgment was entered the same date. (ECF No. 33.)  
17 Petitioner filed a notice of appeal on September 24, 2012. (ECF No. 34.) Pending before the court  
18 is petitioner's motion to proceed *in forma pauperis* on appeal. (ECF No. 35.)

19 Based on the information in petitioner's application to proceed *in forma pauperis* on appeal,  
20 the court grants the motion. Petitioner will not be required to prepay any portion of the \$455.00  
21 filing fee for his appeal.

22       **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma pauperis*  
23 on appeal (ECF No. 35) is **GRANTED**. Petitioner shall not be required to make any prepayment of  
24 the filing fee for his appeal.

25           **IT IS FURTHER ORDERED** that the clerk shall send a copy of this order to the United  
26 States Court of Appeals for the Ninth Circuit.

1                   Dated this 18th day of October, 2012.  
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R. Jones  
UNITED STATES DISTRICT JUDGE